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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANIBAL RODRIGUEZ, et al. individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688-RS

**JOINT REPORT RE EVIDENTIARY DISPUTES  
FOR AUGUST 27, 2025**

Dept: 3, 17<sup>th</sup> Fl.  
Judge: Hon. Richard Seeborg

Date Action Filed: July 14, 2020  
Trial Date: August 18, 2025

**Witness: Belinda Langner**

Exhibits	Plaintiffs' Objections
<ol style="list-style-type: none"> <li>1. PX0419</li> <li>2. PX0421</li> <li>3. G0590</li> <li>4. G0591</li> <li>5. G0596</li> <li>6. G0597</li> <li>7. G0598</li> <li>8. G0693</li> </ol>	<ol style="list-style-type: none"> <li>1. PK, F, H, (financial stip)</li> <li>2. PK, F, H, (financial stip)</li> <li>3. PK, F, H, (financial stip)</li> <li>4. PK, F, H, (financial stip)</li> <li>5. PK, F, H</li> <li>6. PK, F, H</li> <li>7. PK, F, H</li> <li>8. PK, F, H, Not Disclosed in Discovery</li> </ol>
Google's Position	Plaintiffs' Position
<p>Ms. Langner has the necessary knowledge to lay a foundation for these documents reflecting App Promo financial information based on her role as Google's Director of Product Management responsible for App Campaigns for App Campaigns. Google will elicit testimony from her that lays the foundation for these documents. If Plaintiffs feel that the foundation laid for any of these documents is insufficient at the time Google moves to admit them into evidence, Plaintiffs will be able to object at the appropriate time.</p> <p>Ms. Langner can additionally testify to her knowledge of these documents being business records that are created in the regular course of business, so that they fall into an exception to the rule against hearsay.</p>	<p>There is no basis for Google to seek admission of these financial documents through Ms. Langner, who already admitted during her deposition that she did not prepare these documents and did not know the specifics of their preparation. For example, asked about PX-419 and G591, Ms. Langner testified that some "finance analysts" pulled these and that she just assumed they came from "correct sources." Langner Depo. Tr. 228:23-229:11. With G590, Ms. Langer said the "finance team pulled these numbers" and she had only seen them "in preparation for her deposition." <i>Id.</i> 229:21-230:21. As to G596 and G597, she again just "assum[ed] that one of our Google finance ... analysts" pulled them. <i>Id.</i> 234:18-235:2. The only reason she was even questioned about these documents was because Google designated her as a 30(b)(6) witness. Her limited testimony about these documents was "based on [her] conversations with the finance team" and she was unable to offer more testimony "without consulting with them." <i>Id.</i> at 270:15-16, 271:11-3. Rule 30(b)(6) does not permit designees to "offer testimony at trial that consists of hearsay not falling within one of the authorized exceptions." <i>Tijerina v. Alaska Airlines, Inc.</i>, 2024 WL 270090, at *2 (S.D. Cal. Jan. 24, 2024) (quotation omitted). Rule 30(b)(6) also "does not eliminate Rule 602's personal knowledge requirement for trial witnesses." <i>Id.</i> at *3 (quotation omitted). Also, G0693 was only produced in June 2025, two months before trial and well after the close of discovery.</p>

**Susan Harvey**

<b>Pg:Line-Pg:Line</b>	<b>Plaintiffs' Objections(s)</b>	<b>Plaintiffs' Counter(s)</b>	<b>Google's Objection(s) to Counter(s)</b>
13:02-13:05	FRE 106 (Incomplete); FRE 403	81:18-82:23, 83:1-3, 83:6-84:3; 88:20-89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17-18; 117:18-22, 188:2-24; 113:22-114:21; 156:20-157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10, 244:2-7	81:18-82:23, 83:1-3, 83:6-84:3; 113:22-114:21; 117:18-22; 156:20-157:4, 157:13-21
<b>Google's Position</b>		<b>Plaintiffs' Position</b>	
<p>Plaintiffs may only counter-designate portions of Ms. Harvey's testimony that in fairness must be considered as a completing statement under FRE 106. <i>See</i> Aug. 20, 2025 Trial Tr. 344:8-23. Yet Plaintiffs have counter-designated "blanket" designations not tied to any of Google's specific designations. The over-reaching of Plaintiffs' counter-designations is exemplified by the fact that Google's designations total 5 minutes 32 seconds, and Plaintiffs' counter-designations are more than double that, totaling 11 minutes 56 seconds.</p> <p>Google only objects to those purported counter-designations that are untethered to any portions Google has chosen to affirmatively designate. Google has chosen to designate Ms. Harvey's name, her testimony relating to an email she received from topclassactions.com, her testimony relating to whether she turned WAA off on July 29, 2020, the same day she met with her attorneys, and the harm Ms. Harvey claims to have suffered. Google does not object to including the counter-designations relating to these topics. However, Plaintiffs have also counter-designated Ms. Harvey's monologues about her allegations in this case, including her recitation of Google's Privacy Policy, all other Gmail accounts Ms. Harvey created and her reason for creating one of those Gmail accounts.</p>		<p>Google seeks to play snippets of Plaintiff Susan Harvey's deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs' proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey's testimony.</p>	

Plaintiffs also counter-designate the introduction of a deposition exhibit that Google did not designate any testimony for, and for which they do not counter-designate any testimony from Ms. Harvey. Instead, Plaintiffs counter-designate additional portions 30 pages later, leaving the false impression that Ms. Harvey’s testimony at page 188 of the transcript relates to this exhibit.			
Pg:Line-Pg:Line	Plaintiffs’ Objections(s)	Plaintiffs’ Counter(s)	Google’s Objection(s) to Counter(s)
21:11-13	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	
<b>Google’s Position</b>		<b>Plaintiffs’ Position</b>	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey’s deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs’ proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey’s testimony.	
99:20 - 100:16; 100:19 - 101:01; 101:04 - 101:05; 101:11 - 101:14	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	
<b>Google’s Position</b>		<b>Plaintiffs’ Position</b>	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey’s deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations.	

		Plaintiffs' proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey's testimony.	
Pg:Line-Pg:Line	Plaintiffs' Objections(s)	Plaintiffs' Counter(s)	Google's Objection(s) to Counter(s)
114:22 - 114:25	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	
<b>Google's Position</b>		<b>Plaintiffs' Position</b>	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey's deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs' proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey's testimony.	
Pg:Line-Pg:Line	Plaintiffs' Objections(s)	Plaintiffs' Counter(s)	Google's Objection(s) to Counter(s)
188:25 - 189:22	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	
<b>Google's Position</b>		<b>Plaintiffs' Position</b>	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey's deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs' proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey's testimony.	

Pg:Line-Pg:Line	Plaintiffs' Objections(s)	Plaintiffs' Counter(s)	Google's Objection(s) to Counter(s)
191:16 - 192:03	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	FRE 611 (Beyond Scope of Affirmative Designation); FRE 106 (Does not support counter-designation)  n/a ( <b>FOR 191:24 - 192:03</b> )
<b>Google's Position</b>		<b>Plaintiffs' Position</b>	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey's deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs' proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey's testimony.	
Pg:Line-Pg:Line	Plaintiffs' Objections(s)	Plaintiffs' Counter(s)	Google's Objection(s) to Counter(s)
240:11 - 240:20	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	FRE 403 (Vague, Confusion, Waste of Time, Cumulative); FRE 602 (Speculation, Lack of Foundation/Personal Knowledge); FRE 611 (Beyond Scope of Affirmative Designation); FRE 701 (Improper Legal Opinion/Conclusion); FRE 106 (Does not support counter-designation)  FRE 403 (Vague, Confusion, Waste of Time, Cumulative); FRE 611 (Beyond Scope of Affirmative Designation); FRE 701 (Improper Legal Opinion/Conclusion); FRE 106 (Does not support counter-designation)
<b>Google's Position</b>		<b>Plaintiffs' Position</b>	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey's deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations.	

		Plaintiffs’ proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey’s testimony.	
Pg:Line-Pg:Line	Plaintiffs’ Objections(s)	Plaintiffs’ Counter(s)	Google’s Objection(s) to Counter(s)
242:10 - 243:07	FRE 106 (Incomplete); FRE 403	81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7	
Google’s Position		Plaintiffs’ Position	
Same as above.		Google seeks to play snippets of Plaintiff Susan Harvey’s deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs’ proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey’s testimony.	



1 Dated: August 26, 2025

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21 **ATTESTATION**

22 Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all signatories listed, and on  
23 whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

24 Dated: August 26, 2025

25 By: /s/ Eduardo E. Santacana  
26 Eduardo E. Santacana